

APPEAL NO. 023264  
FILED JANUARY 28, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 5, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain an injury in the course and scope of his employment on \_\_\_\_\_, and that he did not have disability as a result of the alleged injury. The claimant appealed the hearing officer's injury and disability determinations on sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The claimant was employed as a custodian for a church. He testified that on \_\_\_\_\_, he sustained an injury to his left wrist while using a buffer machine to strip the wax off the floor at work. It is undisputed that the claimant had a bullet lodged in his left wrist from a prior gunshot wound that caused him pain and swelling on occasion. The claimant testified that he did not complete the job of stripping the floor due to his wrist injury and that after his work-shift ended he commenced his vacation. The claimant was terminated from his employment the following Tuesday when he returned to work. There was conflicting evidence.

The questions of whether the claimant sustained a compensable injury and whether he had disability presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

With regard to the claimant's assertion that the hearing officer was biased, our review of the record indicates no evidence of bias or prejudice on the part of the hearing officer.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **GUIDEONE INSURANCE** and the name and address of its registered agent for service of process is

**DONALD E. PAGE  
320 WESTWAY PLACE, SUITE 521  
ARLINGTON, TEXAS 76018.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Michael B. McShane  
Appeals Panel  
Manager/Judge